UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

KENNETH OVERTON,)	
Petitioner,)	
V.)	No. 4:08CV145 HEA
)	
AL LUEBBERS,)	
)	
Respondent.)	

ORDER OF DISMISSAL

IT IS HEREBY ORDERED that petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice. Rule 4 of the Rules Governing § 2254 Cases.

IT IS FURTHER ORDERED that the Court will not issue a Certificate of Appealability. 28 U.S.C. § 2253.

IT IS HEREBY CERTIFIED that an appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

Dated this 11th day of February, 2008.

HENRY EDWARD AUTREY UNITED STATES DISTRICT JUDGE

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